

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDY AND MONICA GAROUTTE,

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY,

Defendant.

CASE NO. C12-1787 BHS

ORDER DENYING
DEFENDANT'S MOTION FOR
RECONSIDERATION

This matter comes before the Court on American Family Insurance Company's ("American Family") motion for reconsideration (Dkt. 52). The Court has considered the pleadings filed in support of the motions and the remainder of the file and hereby denies American Family's motion for the reasons stated herein.

I. PROCEDURAL HISTORY

On September 8, 2012, the Garouttes filed a complaint in King County Superior Court for the State of Washington. Dkt. 1, ¶ 1.

On October 11, 2012, American Family removed the matter to this Court. Dkt. 1.

1 On April 9, 2013, the Garouttes filed an Amended Complaint alleging that
2 American Family did not fully compensate them under the contract of insurance and
3 asserting causes of action for violations of the Washington Administrative Code 284-30-
4 300, *et seq.*, the Washington Consumer Protection Act (“CPA”), RCW Chapter 19.86,
5 bad faith, and violations of the Washington Insurance Fair Conduct Act, RCW 48.30.015.
6 Dkt. 30.

7 On June 3, 2013, American Family filed a motion for partial summary judgment.
8 Dkt. 33. On June 24, 2013, the Garouttes responded. Dkt. 39. On June 28, 2013,
9 American Family replied. Dkt. 45.

10 On June 6, 2013, the Garouttes filed a motion for partial summary judgment. Dkt.
11 35. On June 24, 2013, American Family responded. Dkt. 42. On June 28, 2013, the
12 Garouttes replied and included a motion to strike material American Family submitted
13 with its response. Dkt. 48.

14 On July 23, 2013, the Court denied American Family’s motion and granted the
15 Garouttes’ motion. Dkt. 50. On August 2, 2013, American Family filed a motion for
16 reconsideration of that order. Dkt. 52.

17 II. DISCUSSION

18 Motions for reconsideration are governed by Local Rule CR 7(h), which provides
19 as follows:

20 Motions for reconsideration are disfavored. The court will ordinarily
21 deny such motions in the absence of a showing of manifest error in the
22 prior ruling or a showing of new facts or legal authority which could not
have been brought to its attention earlier with reasonable diligence.

1 Local Rule CR 7(h)(1).

2 In this case, American Family moves for reconsideration on numerous aspects of
3 the Court's order. Dkt. 52 at 2–7. American Family disagrees with the Court's
4 conclusion that it had no reasonable basis for denying the Garouttes' additional living
5 expenses and the consequences that flow from that conclusion. The Court declines to
6 find that that conclusion was manifest error. Moreover, the conclusion was based on the
7 facts of this case and none of the new authorities cited by American Family change these
8 facts. Therefore, the Court **DENIES** the motion for reconsideration.

9 **IT IS SO ORDERED.**

10 Dated this 12th day of August, 2013.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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